

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

★ AUG 16 2018 ★

United States District Court		District	Eastern District
Name (under which you were convicted): <u>Pierre Marcel Sanchez</u>		Docket or Case No.: <u>00826-2017</u>	
Place of Confinement: <u>Fishkill Correctional Facility</u>		Prisoner No.: <u>18A2324</u>	
Petitioner (include the name under which you were convicted) <u>Pierre Sanchez</u>		Respondent (authorized person having custody of petitioner) <u>State of New York</u>	
The Attorney General of the State of <u>New York</u>		CV-18 4637	

PETITION

BIANCO, J.

- (a) Name and location of court that entered the judgment of conviction you are challenging: Supreme Court, County of Queens
- (b) Criminal docket or case number (if you know): 00826-17
- (a) Date of the judgment of conviction (if you know): 3/5/18
- (b) Date of sentencing: 3/5/18
- Length of sentence: 2-4 with 8 months running consecutive
- In this case, were you convicted on more than one count or of more than one crime? Yes ☒ No ☐
- Identify all crimes of which you were convicted and sentenced in this case: CRMCTPT1 PL 215.51 (06)
CRMCTPT1 PL 215.51 (02)
CRMCTPT2 PL 215.50 (03)
- (a) What was your plea? (Check one)

(1) Not guilty <input checked="" type="checkbox"/>	(3) Nolo contendere (no contest) <input type="checkbox"/>
(2) Guilty <input type="checkbox"/>	(4) Insanity plea <input type="checkbox"/>
- (b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? _____

RECEIVED

AUG 16 2018

EDNY PRO SE OFFICE

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury ☒ Judge only ☐

7. Did you testify at either a pretrial hearing, trial or a post-trial hearing?

Yes ☐ No ☒

8. Did you appeal from the judgment of conviction?

Yes ☐ No ☒

9. If you did appeal, answer the following:

(a) Name of court: _____

(b) Docket or case number (if you know): _____

(c) Result: _____

(d) Date of result (if you know): _____

(e) Citation to the case (if you know): _____

(f) Grounds raised: _____

(g) Did you seek further review by a higher state court? Yes ☐ No ☒

If yes, answer the following:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Result: _____

(4) Date of result (if you know): _____

(5) Citation to the case (if you know): _____

(6) Grounds raised: _____

(h) Did you file a petition for certiorari in the United States Supreme Court?

Yes ☐ No ☒

If yes, answer the following:

(1) Docket or case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: Queens Supreme Court

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): End of March (Less than 30 days)

(4) Nature of the proceeding: 440.10

(5) Grounds raised: Illegal sentence, Brady violations, Late Discovery (Past jury selection) Two unrelated events in the same Grand jury.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes ☐ No ☒

(7) Result: _____

(8) Date of result (if you know): _____

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: Queens Supreme Court

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): May

(4) Nature of the proceeding: 440.10 (1) (g)

(5) Grounds raised: Cell phone of Defendant found, which contradicts all testimony of "victim". Request for "victim" to be placed back under oath and questioned. Phone records of "victim" subpoenaed as far back as possible. I can prove "victim" is lying in the grand jury. L.W. 16 - L.W. 17 Exhibits A & B

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes ☐ No ☒

(7) Result: _____

(8) Date of result (if you know): _____

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: Queens Supreme Court

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): 7/16/18

(4) Nature of the proceeding: Order to produce

(5) Grounds raised: Illegal sentence pursuant to P.L. 70-35
New York State Law.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes ☐ No ☒

(7) Result: _____

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(2) Second petition:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
(3) Third petition:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

To my knowledge Queens Supreme Court is the highest
court concerning motions. I also contacted the
Chief Judge of New York State and the N.Y.S. Commission
on Judicial Conduct. Exhibit (C)

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: My sentence is illegal pursuant to 70.35 (PL)

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): _____

2-4 year prison term cannot by law run consecutive to 8 months, under one indictment.

(b) If you did not exhaust your state remedies on Ground One, explain why: As far as I know

motions can only be granted by sentencing judge.

The grounds that I want a new trial are to be raised in motions.

(c) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: Not the proper venue

Must be raised in 440.10 motion

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: 440.10 / 440.10 (19) / order to produce

Name and location of the court where the motion or petition was filed: Queens Supreme Court

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): No response other
to state that it will be placed on the Motion
Calendar

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: _____

GROUND TWO: Brady Violations

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

All tapes were held until after jury was picked and
a couple of days before end of trial.

(b) If you did not exhaust your state remedies on Ground Two, explain why: _____

(c) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: _____

Motion is the proper way to counter, brady violations. As far as I know.

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: 440.10

Name and location of the court where the motion or petition was filed: Queens Supreme Court.

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): No response

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: _____

GROUND THREE: Two unrelated cases in the same grand jury.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

One incident happened on ~~12~~ 1/4/2017 and the other offense happened on March 9, 2017 according to the court. I was sentenced under one indictment # number which is 00826-17.

(b) If you did not exhaust your state remedies on Ground Three, explain why:

Motions are the proper way to fight this violation as far as I know.

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: order to produce

Name and location of the court where the motion or petition was filed: Queens Supreme Court

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): No answer

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: _____

GROUND FOUR: _____

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): _____

(b) If you did not exhaust your state remedies on Ground Four, explain why: _____

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: _____

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes ☐ No ☐

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: _____

(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: Judge

Modica's conduct during trial. Facial expressions etc.
All played a negative part in my trial. Allowing the prosecutor
to read a statement from "victim" at sentencing that was filled with
unsubstantiated things.

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinions or orders, if available. _____

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes ☐ No ☐

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

Only the Motions and the order to produce
that I have mentioned per this document
I have never been given any information on them.

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: Raymond Oveliz

(b) At arraignment and plea: Raymond Oveliz

(c) At trial: Raymond Oveliz

(d) At sentencing: Raymond Oveliz

(e) On appeal: _____

(f) In any post-conviction proceeding: Pro Se

(g) On appeal from any ruling against you in a post-conviction proceeding: Pro Se

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed: _____

(c) Give the length of the other sentence: _____

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐

Therefore, petitioner asks that the Court grant the following relief: Please over-turn my
conviction and grant a new trial. I can prove that I
did not do what is accused. At the least please sentence me
or any other relief to which petitioner may be entitled. correctly to 2-4 yrs or lower.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this
Petition for Writ of Habeas Corpus was placed in the prison mailing system on August, fourteenth
of ~~October~~ 2018 (month, date, year). 8/14/18

Executed (signed) on 8/14/18 (date).

Pierre Jr 18A2324
Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing
this petition. _____

Supreme Court of the State of New York
Criminal Term - Annex, Room E-121
125-01 Queens Boulevard
Kew Gardens, N.Y. 11415

DATE 07/16/2018

RE: PEOPLE v. SANCHEZ, PIERRE

INDICTMENT 00826-17 - -

PIERRE SANCHEZ

DIN: 18A2324

DOWNSTATE C.F.

BOX F, OLD SCHOOLHOUSE RD.

FISHKILL, NY 12524-0445

Dear Sir/Madam,

We have received your application for the following relief

MOTION TO VACATE JUDGMENT

This application will be placed on the Motion Calendar for

07/20/2018 in Part K-15. As soon as the Court

renders its decision, you will be notified by the Part which is deciding your
Motion.

MOTION DEPARTMENT

Exhibit
(c)



NEW YORK STATE
COMMISSION ON JUDICIAL CONDUCT

JOSEPH W. BELLUCK, CHAIR
PAUL B. HARDING, VICE CHAIR
JODIE CORNGOLD
HON. JOHN A. FALK
TAA GRAYS
HON. LESLIE G. LEACH
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NEW YORK, NEW YORK 10006

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CONFIDENTIAL

August 3, 2018

ROBERT H. TEMBECKJIAN
ADMINISTRATOR & COUNSEL
MARK LEVINE
DEPUTY ADMINISTRATOR
PAMELA TISHMAN
PRINCIPAL ATTORNEY
BRENDA CORREA
SENIOR ATTORNEY
KELVIN S. DAVIS
DANIEL W. DAVIS
STAFF ATTORNEYS
ALAN W. FRIEDBERG
MELISSA DIPALO
SPECIAL COUNSELS

Pierre Sanchez
#18A2324
Downstate Correctional Facility
Box F
Red Schoolhouse Road
Fishkill, New York 12524-0445

Re: 2018/N-0675

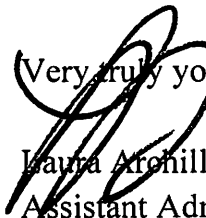
Dear Mr. Sanchez:

This is to acknowledge receipt by the State Commission on Judicial Conduct of your complaint dated July 19, 2018.

Your complaint will be presented to the Commission, which will decide whether or not to inquire into it. We will contact you after the Commission has reviewed the matter.

For your information, we have enclosed some background material about the Commission, its jurisdiction and its limitations.

Very truly yours,


Laura Archilla Soto
Assistant Administrative Officer

Encl.

(Exhibit A)

000269

L. W. 16

1 relationship with Mr. Sanchez?

2 A. We were together until my daughter was maybe two
3 years old. She's now 13.

4 Q. Since that time you've been apart?

5 A. Yes.

6 Q. Other than the interactions you have had with
7 Mr. Sanchez in these instances that we've talked about,
8 what conversations have you had with Mr. Sanchez?

9 A. I have not had any conversation with him. That's
10 why I have the order.

11 Q. Okay.

12 MR. MUSCARELLA: Do any members of the Grand
13 Jury have any questions?

14 Okay. So, now that the orders of protection
15 have been moved into evidence, I am going to read
16 pertinent parts of the order of protection.

17 This order of protection is Grand Jury
18 Exhibit 1, which is issued by Nassau County
19 Supreme Court issued on November 14, 2016.
20 That's November 14, 2016 and expires November 13,
21 2017. So that on the order of protection, on
22 Exhibit 1, it's checked off that the defendant
23 was advised in court of the issuance and contents
24 of the order of protection. And underneath it is
25 checked off, the box that the defendant was

(Exhibit B)
000270

L. W. 17

1 personally served the order in court. And the
2 defendant's signature appears on the signature
3 line of this order of protection.

4 On Grand Jury Exhibit 2, which is the Queens
5 County order of protection, it's also a full stay
6 way order of protection. It's dated January 5,
7 2017. And it expires on July 3, 2017. Again,
8 the box defendant was advised in court of
9 issuance and contents of said word, is checked
10 off. In addition the order was personally served
11 to the defendant in court. That box is checked
12 off and the defendant's signature appears on the
13 signature line of said order.

14 Are there any other questions from the
15 members of the Grand Jury?

16 Q. Do you, Ms. Perrone do you know where Mr.
17 Sanchez works?

18 A. No.

19 Q. Do you know where he lives?

20 A. The last known address that I knew of years ago
21 was at his mother's house.

22 Q. Where was that?

23 A. Rockville Centre.

24 Q. What county is that?

25 A. Nassau county.

Supreme COURT OF THE STATE OF NEW YORK
COUNTY OF Queens Part K15

THE PEOPLE OF THE STATE OF NEW YORK

against

Pierre Sanchez ICN 01040234
Defendant

**NOTICE OF MOTION
ORDER TO PRODUCE**

Ind# 00826-2017

PLEASE TAKE NOTICE, that the defendant in the above entitled case, Pierre Sanchez,
ICN 01040234
Upon the annexed affidavit moves this court for an OEDER, taken upon submission,
commanding the Sheriff or Chief Custodial Administrator of the Nassau County Correctional
Facility, 100 Carman Avenue, East Meadow N.Y. 11554, Where defendant is presently
incarcerated, to transport and produce said defendant for appearance in this court, at the earliest
possible date, to enable the defendant to be heard on issues of necessity and importance, and
satisfying defendants equal access and due process rights, guaranteed by both the New York
State and the United States Constitution. Authority for this order is made under New York
Criminal Procedure Law Section 550.10 (2)(a).

Dated: May 15, 20 18

Respectfully Submitted,

Pierre Sanchez

Supreme COURT OF THE STATE OF NEW YORK
COUNTY OF Queens Part KIS

THE PEOPLE OF THE STATE OF NEW YORK

SUPPORTING AFFIDAVIT

against

Ind # 00826-2017

Pierre Sanchez JCN 01040234
Defendant

Defendant, Pierre Sanchez, being duly sworn deposes and says that:

1. I am the defendant and am fully aware of the facts and statements made herein.
2. I am presently incarcerated at the Nassau County Correctional Center, 100 Carman Avenue, East Meadow N.Y. 11554, in the County of Nassau.
3. The defendant prays for an order from this court compelling the production of the defendants persons so that he may be heard on the following issue(s):

a. 440.10 motion concerning Indictment No: 00826-2017
Dated march 8th 2018. I was sentenced to an illegal
sentence pursuant to 70.35. I was sentenced to
a 2-4 year sentence running consecutive to a 8 month
county time.

WHEREFORE, the defendant prays for an order of this court granting the relief sought herein, and for such and further relief as the court deems just and proper.

Appeared before me on this 15th day of

May 20 18
[Signature]

respectfully submitted,

Pierre Sanchez

Deborah Ann Seppia
Notary Public, State of New York
N. 01 SA 366851
Qualified in Nassau County
Commission Expires 10/16/2021

AFFIDAVITT OF SERVICE

I, Pierre Sanchez, being duly sworn deposes and says:

I have placed and submitted the within; 440-10 motion

And copies of the moving papers, to the following parties in this action, to be mailed via, the United States Postal Service, by placing the same in the mail box located at the Nassau County Correctional Center, 100 Carman Avenue, East Meadow N.Y. 11554, on the _____ day of _____ 20 _____.

Parties to who the above have been sent are as follows:

Queens Supreme Court K15 / Clerk of the Supreme Court
of K15 Queens Court 125-01 Queens Boulevard
Kew Gardens, NY 11415

Respectfully submitted,

Pierre Sanchez

Sworn to before me this 15th

Day of May, 2018

[Signature]

Notary Public

Deborah Ann Sappia
Notary Public, State of New York
No. 01SA6366851
Qualified in Nassau County
Commission Expires 10/16/2021



Supreme Court State of New York
125-01 Queens Boulevard
Kew Gardens, NY 11415
CRIMINAL TERM

Pierre Sanchez DIN#18A2324
Downstate Correctional Facility
Box F
Red Shoolhouse Rd
Fishkill, NY, 12524-0445

To: Pierre Sanchez

Subject: JAIL TIME STATUS

Date: June 20, 2018

In reference to your letter you must contact the Dept of Correction at one of the addresses listed below, as the Courts have no jurisdiction over jail time credit.

STATE TIME

NEW YORK STATE DEPT. OF CORRECTIONS
DIANE HOLFORD
1220 WASHINGTON AVE..
BLDG. 2
ALBANY, N.Y. 12226-2050
ATTN: SENTENCE REVIEW

CITY TIME

OFFICE OF GENERAL COUNSEL
NEW YORK CITY DEPARTMENT OF CORRECTIONS
75-20 ASTORIA BLVD., SUITE 305
E. ELMHURST, NY 11370

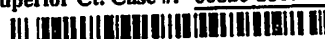
CORRESPONDENCE UNIT

UNIFORM SENTENCE & COMMITMENT

UCS-854(8/2011)

STATE OF NEW YORK
SUPREME COURT, COUNTY OF QUEENS
PRESENT: HON. MODICA, D.

Court Part: K15
Court Reporter: V. DUNNOM
Superior Ct. Case #: 00826-2017



The People of the State of New York				Accusatory Instrument Charge(s)	Count #	Law/Section & Subdivision
-vs- PIERRE SANCHEZ Defendant				1 CRMCTPT1	3	PL 215.51(B1)
18A2324				2 CRMCTPT1	4	PL 215.51(B5)
				3 CMIS4	7	PL 145.00(04)
				4 ROB3	1	PL 160.05(00)
Male	06/17/1982	09727144Y	67968484R	Date(s) of Offense:	01/04/2017	To
Sex	DOB	NYSID #	Criminal Justice Tracking #			

THE ABOVE NAMED DEFENDANT HAVING BEEN CONVICTED BY ☐ PLEA OR ☒ VERDICT, THE MOST SERIOUS OFFENSE BEING A ☒ FELONY OR ☐ MISDEMEANOR OR ☐ VIOLATION, IS HEREBY SENTENCED TO:

Crime	Count #	Law/Section & Subdivision	SMF, Hate or Terror	Minimum Period	Maximum Term	Definite / Determinate **	Post-Release Supervision	CJTN
1 CRMCTPT1	4	PL 215.51(B5)		2 Y	4 Y			
2 CRMCTPT1	5	PL 215.51(B6)		2 Y	4 Y			
3 CRMCTPT1	9	PL 215.51(B2)		2 Y	4 Y			
4 CRMCTPT2	12	PL 215.50(03)				1 year (Def)		
5								

* NOTE: For each DETERMINATE SENTENCE imposed, a corresponding period of POST-RELEASE SUPERVISION MUST be indicated [PL § 70.45].

☒ Counts 4,5,9 shall run CONCURRENTLY with each other ☒ Count(s) 12 shall run CONSECUTIVELY to count(s) 4,5,9 and/or CONSECUTIVELY to

☐ Sentence imposed herein shall run CONSECUTIVELY with

☐ Sentence imposed herein shall include a CONSECUTIVE term of ☐ PROBATION OR ☐ CONDITIONAL DISCHARGE 1. with an Ignition Interlock Device condition, that shall commence upon the defendant's release from imprisonment [PL § 60.21]

☐ Conviction includes: WEAPON TYPE: and/or DRUG TYPE:

☐ Charged as a JUVENILE OFFENDER- age at time crime committed: years Court certified the Defendant a SEX OFFENDER [Cor. L § 168-d]

☐ Adjudicated a YOUTHFUL OFFENDER [CPL § 720.20] CASAT ordered [PL § 60.04(6)]

☐ Execute as a sentence of PAROLE SUPERVISION [CPL § 410.91] SHOCK INCARCERATION ordered [PL § 60.04(7)]

☐ Re-sentenced as a PROBATION VIOLATOR [CPL § 410.70]

☒ As a: ☒ Second ☐ Second Violent ☐ Second Drug ☐ Second Drug w/prior VFO ☐ Predicate Sex Offender **FELONY OFFENDER**

☐ Predicate Sex Offender w/prior VFO ☐ Second Child Sexual Assault ☐ Persistent ☐ Persistent Violent

Paid Not Paid Deferred (If deferred, court must file written order [CPL § 420.40(5)]) Paid Not Paid Deferred (If deferred, court must file written order [CPL § 420.40(5)])

<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mandatory Surcharge	\$300.00	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Crime Victim Assistance Fee	\$25.00
<input type="checkbox"/>	<input type="checkbox"/>	Fine	\$	<input type="checkbox"/>	<input type="checkbox"/>	Restitution	\$
<input type="checkbox"/>	<input checked="" type="checkbox"/>	DNA Fee	\$50.00	<input type="checkbox"/>	<input type="checkbox"/>	Sex Offender Registration Fee	\$
<input type="checkbox"/>	<input type="checkbox"/>	DWI/Other	\$	<input type="checkbox"/>	<input type="checkbox"/>	Supplemental Sex Off. Victim Fee	\$

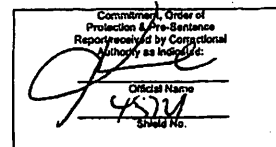
THE SAID DEFENDANT BE AND HEREBY IS COMMITTED TO THE CUSTODY OF THE:

- ☒ NYS Department of Correctional Services (NYDOCS) until released in accordance with the law, and being a person sixteen (16) years or older not presently in the custody of the NYDOCS, (New York City Department of Corrections) is directed to deliver the defendant to the custody of NYDOCS as provided in 7 NYCRR Part 103.
- ☐ NYS Department of Correctional Services (NYDOCS) until released in accordance with the law, and being a person sixteen (16) years or older presently in the custody of NYDOCS, defendant shall remain in the custody of the NYDOCS.
- ☐ NYS Office of Children and Family Services in accordance with the law, being a person less than sixteen (16) years of age at the time the crime was committed.
- ☐ County Jail/Correctional Facility

TO BE HELD UNTIL THE JUDGMENT OF THIS COURT IS SATISFIED.

REMARKS:

Counts 4,5,& 9 concurrent. Count 12 consecutive to counts 4,5 & 9.
Psychiatric Attention requested.



Pre-Sentence Investigation Report Attached: ☒ Yes ☐ No
Order of Protection Issued: ☒ Yes ☐ No
Order of Protection Attached: ☒ Yes ☐ No

☐ Amended Commitment: Original Sentence Date: _____

03/05/2018 PHEFFER, A

by: _____

SCC

Date

Clerk of the Court

Signature

Title



Superior Ct. Case #: 00826-2017

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